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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

NGUYEN, KIM T

ART UNIT

PAPER NUMBER

3713

DATE MAILED: 06/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/623,027

Applicant(s)

GRAUZER ET AL.

Examiner

Kim Nguyen

Art Unit

3713

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) 27 and 34 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 and 28-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 12/22/03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Examiner acknowledges receipt of amendment on 4/28/05. In response to the restriction requirement, applicant has elected species 2 for examination purposes. Claims 1-26 and 28-33 will be considered, and claims 27 and 34 are withdrawn from consideration. Claims 1-34 are pending.

Specification

- a) The abstract exceeds 150 words in length. The abstract should be within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited.
- b) In the specification in page 10, line 9, the information in the blank space of "serial No. 10/____," should be provided.
- c) In the specification in page 13, line 2, the information in the blank space of "serial No. 10/____," should be provided.
- d) The specification does not provide detailed description of the index numbers 2, 4, 6, 8, 10, 16, 18, etc. indicated in Fig. 1.

Claim Objections

- 1. Claims 1-5, 15-17, 21-24 are objected to because of the following informalities:

- a) In claim 1, line 4, the claimed limitation “the rules of play of a casino” should be corrected to “rules of play of the casino”.
- b) In claim 1, line 6, the claimed limitation “the completion of hands” should be corrected to “a completion of hands”.
- c) In claim 1, line 8, the claimed limitation “hands according to rules” should be corrected to “the hands according to the rules”.
- d) In claim 1, line 11, the claimed limitation “exhausted hands” should be corrected to “the exhausted hands”.
- e) In claim 1, line 13, the claimed limitation “cards” (two occurrences) should be corrected to “the cards”.
- f) In claim 2, line 1, the claimed limitation “at least one” should be corrected to “the at least one”.
- g) In claim 2, line 2, the claimed limitation “a player” should be corrected to “the player”.
- h) In claim 3, line 3, the claimed limitation “a first card or complete hand” should be corrected to “the first card or the complete hand”.
- i) In claim 3, line 4, the claimed limitation “a dealer” should be corrected to “the dealer”.
- j) In claim 4, line 1; claim 5, line 1; claim 15, line 1, claim 16, line 1, claim 17, line 1, the claimed limitation “a signal” should be corrected to “the signal”.

- k) In claim 4, line 3, the claimed limitation “common card **location**” should be corrected to “**the** common card **area**”.
- l) In claim 5, lines 1-2, the claimed limitation “**a** first dealer’s card or dealer’s complete hand” should be corrected to “**the** first dealer’s card or **the** dealer’s complete hand”.
- m) In claim 15, line 2; claim 16, line 2; and claim 17, line 2, the claimed limitation “**a** dealer’s **initial** hand” should be corrected to “**the** dealer’s **complete** hand”.
- n) In claim 20, lines 1 and 3; claim 21, lines 2 and 3; claim 22, lines 2 and 3; and claim 23, lines 2 and 3, the claimed limitation “tray” should be corrected to “rack”.
- o) In claim 24, lines 8 and 9, the claimed limitation “**a** processor” should be corrected to “**the** processor”.
- p) In claim 24, line 9, the claimed limitation “signals” should be corrected to “**the** signals”.
- q) In claim 24, line 10, the claimed limitation “individual hands” should be corrected to “**the at least** individual hands”.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 9-10, 14, 18-23 and 28-32 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a) In claim 9, line 3; claim 10, line 3, the claimed limitation “the number of cards” is ambiguous. It is not clear if “the number of cards” implies the number of cards dealt to each player, or the number of cards dealt to all the players; or the number of cards of the deck of cards. Further, the claimed limitation “the number of cards” lacks of antecedent basis.

b) In claim 9, lines 4-5; claim 10, lines 4-5; and claim 28, line 2, the claimed limitation “card(s)” is ambiguous. It is not clear if the “card(s)” should be read as “card” or “cards”.

c) In claim 18, lines 1-2, the claimed limitation “after determination of all active player positions” is not previously found in claim 1.

d) In claim 19, lines 1-2, the claimed limitation “after determination of all active player positions” is not previously found in claims 1 or 11.

e) In claim 20, lines 1-2, the claimed limitation “hands placed in the discard tray are reconciled with known hands” is ambiguous. It is not clear if the “hands” implies the “exhausted hands” in claim 1, line 9, or the “hands of the dealer” or the “hands of the players”. Further, what does the “known hands” means?

- f) Claims 21-23 are similarly rejected as explained in claim 20 above.
- g) In claim 29, lines 1-2; claim 30, lines 1-2; and claim 31, lines 1-2, the claimed limitation "hands of each player position are identified by an anchor reference" is not previously presented in claim 24 or claim 25 or claim 26.
- h) In claim 32, the claimed limitation "completion of dealing card cards ... to a dealer" is not previously presented in claim 24.
- i) Claim 14 is rejected as being dependent on the rejected base claim.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 1-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over McCrea, Jr. (US patent No. 5,605,334) in view of Soltys et al (US 2003/0173737).**

As per claim 1, McCrea discloses a method for determining an identity of a card in card hands at a casino table card game comprising automatically reading rank and suit of each card and dealing hands to a player (col. 3, lines 14-23); removing exhausted hands from the table and placing the exhausted

hands in a discard rack; reading each card placed in the discard rack (col. 10, lines 5-6 and 25-28; and col. 7, lines 14-17); and reconciling the cards placed in the discard rack with the dealt cards (col. 3, lines 27-28; col. 7, lines 29-33; and col. 10, lines 30-31). McCrea does not explicitly disclose providing a signal of completion hands and dealing additional cards to the players. However, since McCrea discloses that the game control determines whether the hand is over for determining a winner (col. 9, lines 32-39), McCrea obviously discloses providing a signal of the completion hand to the game control so that the game control can recognize if the game is over. Further, Soltys discloses dealing additional cards to the hands (paragraph 0086). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to deal additional cards to the hand of the player in McCrea as taught by Soltys in order to allow the player to obtain additional cards until he reaches a limit.

As per claim 2, Soltys discloses dealing card to a dealer (paragraph 0077).

As per claim 3-5, refer to discussion in claim 1 above. Further, providing a signal when the dealer receives a first card or a complete hand would have been obvious design choice.

As per claim 6-10, Soltys discloses counting a number of active player positions (paragraphs 0076, 0079, and 0082). Further, using different methods for calculating a number of player active positions would have been obvious

matter of design choice depending on specific information provided.

As per claim 11-17 and 20-23, refer to discussion in claim 1 above.

As per claim 18-19, Soltys discloses determining initial hand for each player position (paragraph 0083).

6. Claims 24-26 and 28-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over McCrea, Jr. (US patent No. 5,605,334).

As per claim 24, McCrea discloses a system for determining a hand of cards in a casino table game comprising a card delivery device that reads rank and suit of each card in the delivery device before the card is delivered to a hand position and sends first signals of the suit and rank of the hand to the processor (col. 6, lines 46-50); a card discard tray that reads the rank and suit of each card in the discard tray and sends second signals of the suit and rank to the processor (col. 7, lines 8-16 and 25-28). McCrea does not explicitly disclose identifying individual hands based on comparison of the first and second signals. However, McCrea discloses identifying individual hands (col. 8, lines 14-15) and comparing the first and second signals (col. 7, lines 29-32). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to identify individual hands using the results of the comparison of the first and second signals from the dealing device and the discard tray in order to facilitate determining a winning hand.

As per claim 25, refer to discussion in claim 1 above.

As per claim 26, since McCrea discloses determining whether the dealer has 21 when the dealer receives a card (col. 9, lines 32-33), McCrea obviously discloses automatically indicating when a dealer has received a card.

As per claim 28, McCrea discloses a sensor for sensing dealer card (col. 16, lines 51-54).

As per claim 29-31, McCrea discloses identifying the cards received at the player position (col. 11, lines 29-30).


As per claim 32-33, using a dealer's signal from a sensor for identifying completion of dealing cards to players and a possibility of providing additional cards to a dealer would have been well known to a person of ordinary skill in the art at the time the invention was made.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kim Nguyen whose telephone number is 571-272-4441. The examiner can normally be reached on Monday-Thursday during business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai, can be reached on 571-272-7147. The

central official fax number for the organization where this application or proceeding is assigned is 703-872-9306.

kn
Date: June 9, 2005



Kim Nguyen
Primary Examiner
Art Unit 3713